

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JONATHON MORGAN,

1:02-cv-06316-AWI-DLB-P

Plaintiff,

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS** (Doc. 128)

vs.

DURAN, et al.,

**ORDER DENYING MOTIONS FOR  
SUMMARY JUDGMENT**  
(Docs. 103, 104)

Defendants.

Plaintiff, Jonathon Morgan ("plaintiff"), a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On August 10, 2006, the Magistrate Judge filed Findings and Recommendations that recommended Defendants' motion for summary judgment be denied and recommended Plaintiff's motion for summary judgment be denied. The Findings and Recommendations were served on the parties and which contained notice to plaintiff that any objections to the Findings and Recommendations were to be filed within twenty (20) days. To date, no party has filed

1 objections to the Magistrate Judge's Findings and  
2 Recommendations.

3 In accordance with the provisions of 28 U.S.C.  
4 § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a  
5 de novo review of this case. Having carefully reviewed the  
6 entire file, the Court finds the Findings and Recommendations to  
7 be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The Findings and Recommendations, filed August 10,  
10 2006, are ADOPTED IN FULL; and,

11 2. Defendants' motion for summary judgment, filed  
12 September 26, 2005, and plaintiff's motion for summary judgment,  
13 filed September 28, 2005, are DENIED.

14  
15 IT IS SO ORDERED.

16 **Dated: September 12, 2006**  
17 0m8i78

/s/ Anthony W. Ishii  
UNITED STATES DISTRICT JUDGE